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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,650	10/22/2003	Haruo Akiba,	244334US3	5962
22850	7590	02/08/2005		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
			EXAMINER KASZTEJNA, MATTHEW JOHN	
			ART UNIT 3739	PAPER NUMBER

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/689,650

Applicant(s)AKIBA, HARUO **Examiner**

Matthew J Kasztejna

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S.

Patent No. 4,715,360 to Akui et al.

In regards to claim 1, Akui et al. disclose a valved plug 28 to be fitted on a mouth piece 22 at an inlet opening of an instrument entrance passage leading to a biopsy channel 24 of an endoscopic insertion tube, the plug being formed of a resilient material in its entirety and having, at opposite ends of a foldable connecting strip 34, a generally tubular main body portion internally formed with a constricted passage of a smaller diameter as compared with the inlet opening of the instrument entrance passage at an intermediate portion between outer and inner ends thereof, and a nesting piece 32 adapted to be detachably and tightly coupled with the main body portion 30 and having a normally closed slit valve 58 in axial alignment with the constricted passage in the main body portion to permit insertion of an instrument therethrough, characterized in that: the main body portion is provided with an interlocking inward projection 40 and 43 of a predetermined thickness at an outer end to be coupled with the nesting piece; and the nesting piece is composed of a circular body portion having a slit 58 cut across a center region thereof, and an annular interlocking flange 52 formed

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integrally with and on top of the circular body portion around the slit and spread radially outward to hang over circumferential edges of the circular body portion; the interlocking projection on the main body portion of the plug being adapted to be brought into engagement tightly with an interlocking groove formed between the flange portion and the circular body portion of the nesting piece and gripped in the interlocking groove in a compressed state when the nesting piece is coupled with the main body portion (see Col. 3, Lines 7-66 and Figs. 2-4).

In regards to claim 2, Akui et al. disclose a valved plug wherein the interlocking projection is an annular ledge 40 projecting radially inward from an outer end of the main body portion on the outer side of the constricted passage, and the interlocking groove 52 on the side of the nesting piece is an annular groove formed around circumference of the circular body portion in a width smaller than thickness of the interlocking portion and in a diameter larger than inside diameter of the interlocking projection of the main body portion (see Figs. 2-4).

In regards to claim 3, Akui et al. disclose a valved plug wherein the annular ledge 40 is so dimensioned as to have an inside diameter smaller than diameter of the annular interlocking groove 52 of the nesting piece (see Fig. 2).

In regards to claim 4, Akui et al. disclose a valved plug wherein an annular recess 60 is formed between the interlocking projection 52 and the constricted passage 44 of the main body portion 30, the annular recess being so dimensioned as to have an inside diameter smaller than outside diameter of the interlocking groove on the side of the nesting piece (see Fig. 6).

In regards to claim 5, Akui et al. disclose a valved plug wherein the interlocking projection of the main body portion is tightly engaged with the interlocking groove on the side of the nesting piece through tapered or inclined surfaces and retained in an interlocked state more tightly by wedge-like actions of the tapered surfaces when an axial force is exerted thereto from inside of the biopsy channel (see Figs. 8 and 9).

In regards to claim 6, Akui et al. disclose a valved plug wherein the circular body portion of the nesting piece is formed in a hemispherical cup-like shape, and the slit is formed across a bottom portion of the hemispherical body portion (see Col. 3, Lines 56-66).

In regards to claim 7, Akui et al. disclose a valved plug wherein the main body is internally provided with a hollow cavity 54 under the constricted passage, and the slit is formed radially within a range of the hollow cavity (see Fig. 2).

In regards to claim 8, Akui et al. disclose a valved plug wherein the slit is formed in an area inward of the interlocking projection on the side of the main body portion of the plug (see Fig. 2).

In regards to claim 9, Akui et al. disclose a valved plug wherein a ridge is formed on one of engaging surfaces of the main body portion and nesting piece, the ridge being adapted to be deformed into a flattened shape by compression as the nesting piece is coupled with the main body portion of the plug (see Col. 5, Lines 37-54).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6165124 to Ouchi

U.S. Patent No. 6117070 to Akiba

U.S. Patent No. 5863286 to Yabe et al.

U.S. Patent No. 4809679 to Shimonaka et al.

U.S. Patent No. 4653477 to Akui et al.

U.S. Patent No. 4649904 to Krauter et al.

U.S. Patent No. 4412531 to Chikashige

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J Kasztejna whose telephone number is (571) 272-6086. The examiner can normally be reached on Mon-Fri, 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

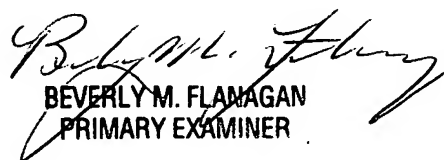
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJK

MK

1/24/05


BEVERLY M. FLANAGAN
PRIMARY EXAMINER